

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 1:17-CR-41-MOC**

UNITED STATES OF AMERICA,

vs.

CARL JAY WHITSON,

Defendant.

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ORDER

THIS MATTER comes before the Court on Defendant’s pro se Motion for Compassionate Release/Reduction of Sentence. See Doc. No. 30. Defendant, an inmate at Ashland FCI with a scheduled release date of October 26, 2020, asks the Court to reduce his sentence based on the extreme circumstances of COVID-19. In support, he maintains that he suffers from rheumatoid arthritis, and that the medication he takes has “possible side effects of weakening one’s immune system.” Id. at 1-3. He also states that he has “complied with current law and waited 30 days from the dated requested home confinement from [the prison Warden].” Id. at 4.

Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on “extraordinary and compelling reasons.” Defendant has not submitted any evidence to the Court showing that he has both a model disciplinary record and an increased health risk from COVID-19.¹ As the Third Circuit has recognized, “the mere existence of COVID-19 in society and the possibility that it may spread to a particular prison alone cannot independently justify compassionate release.” Raia, 2020 WL 1647922, at *2. Thus, because

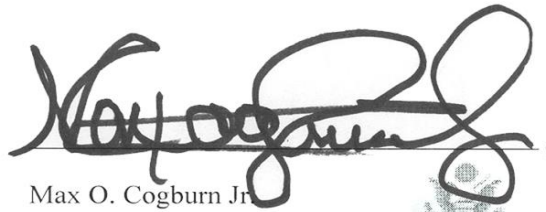
¹ Furthermore, Defendant asserts in his motion that his current, scheduled home confinement date is June 3, 2020. (Id. at 4). If this date is accurate, then Defendant has only a few weeks left to serve his prison sentence. The Court will defer to the BOP’s determination as to whether to allow Defendant to move to home confinement before that date, as the BOP is in a better position than this Court to determine Defendant’s particularized risk.

Defendant has failed to submit supporting evidence, the Court declines to modify Defendant's sentence at this time.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's pro se Motion for Compassionate Release/Reduction of Sentence, Doc. No. 30, is **DENIED**.

Signed: May 8, 2020



Max O. Cogburn Jr.
United States District Judge